

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY LODGE,

Case No. 05 Civ. 187 (KAM)

Plaintiff,

- against -

UNITED HOMES, LLC, UNITED PROPERTY GROUP,
LLC, YARON HERSHCO, GALIT NETWORK, LLC,
OLYMPIA MORTGAGE CORP., BAYVIEW LOAN
SERVICING, LLC, BAYVIEW ASSET
MANAGEMENT, LLC, US BANK AND TRUST, and
WILSHIRE CREDIT CORP.,

Defendants.
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DECLARATION OF TIMOTHY J. FIERST

TIMOTHY J. FIERST, an attorney duly licensed and admitted to practice in and before the Courts of the State of New York and admitted to the Bar of this Court, declares the following to be true pursuant to 28 U.S.C. § 1746:

1. I am counsel to the law firm of Crowell & Moring LLP, attorneys for the defendants Bayview Loan Servicing LLC ("Bayview"), Bayview Asset Management, LLC ("BAM") and US Bank and Trust ("US Bank") (collectively the "Defendants") in the above-captioned action. I am fully familiar with and have personal knowledge of the facts and circumstances set forth herein based upon my review of the books and records of Bayview, the files maintained by my office and documents filed as a matter of public record.

2. I respectfully submit this declaration in support of the Defendants' opposition to the Plaintiff's motion seeking an order striking the Defendants' holder in due course defense.

3. The purpose of this declaration is to, *inter alia*, identify and set forth for the Court documentary materials in opposition to Plaintiff's motion.

4. Annexed hereto as Exhibit "A" is a Supplement to Loan Sale Agreement, Bates Stamped 0096-0116, produced to Plaintiff on May 31, 2006 within Defendants Bayview Loan Servicing, LLC and Wachovia Bank, N.A.'s Objections and Supplemental Responses to Plaintiffs' First Consolidated Request for Production of Documents.

5. Annexed hereto as Exhibit "B" is a Loan Sale Agreement, Bates Stamped 0212-0224, produced to Plaintiff on May 31, 2006 within Defendants Bayview Loan Servicing, LLC and Wachovia Bank, N.A.'s Objections and Supplemental Responses to Plaintiff's First Consolidated Request for Production of Documents.

6. Annexed hereto as Exhibit "C" is a Pooling and Servicing Agreement among Bayview Financial Securities Company, LLC as Depositor, Wells Fargo Bank Minnesota, National Association as Master Servicer and Wachovia Bank, National Association as Trustee for the Bayview Financial Mortgage Pass-Through Certificates, Series 2003-E Dated as of September 1, 2003, Bates Stamped B/W Supp 000000001-000000173, produced to Plaintiff on or about May 2007 as part of Bayview and Wachovia's additional supplemental responses to Plaintiff's Request for Production of Documents. On September 11, 2007, this document was also provided to Plaintiff's counsel in their capacity as counsel to Rodney Gibbons in a companion case pending in this Court pursuant to a Subpoena Duces Tecum, and is annexed as Exhibit L to the Manaugh Declaration, bates stamped with the numbers assigned to it under the aforesaid Subpoena.

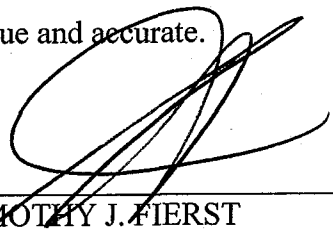
7. Annexed hereto as Exhibit "D" is a Prospectus Supplement for the Bayview Financial Mortgage Pass-Through Certificates, Series 2003-E (without the voluminous exhibits)

Bates Stamped B/W Supp 000000767-000000871, produced to Plaintiff on or about May 2007 as part of Bayview and Wachovia's additional supplemental responses to Plaintiff's Request for Production of Documents.

8. Annexed hereto as Exhibit "E" is a 2003-E Special Interest Certificate Bayview Financial Property Trust, Bates Stamped B/W Supp 000001498-000001507 showing that Wachovia Bank, National Association, as trustee holds the 100% beneficial interest in the 2003-E Trust, produced to Plaintiff on or about May 2007 as part of Bayview and Wachovia's additional supplemental responses to Plaintiff's Request for Production of Documents.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on March 25, 2011.



TIMOTHY J. FIERST